(9)

SINGLE BENCH (4)

CP 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION(S) NO. 674 /2007.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

PETITIONER: Smt. Meena Bai, wife of Ram Bharan, Thariya aged about 25 years, residence of village and Post Madmada, Block Bodla, District Kabirdham, Chhattisgarh.

P.I.D. 27/2/07 Present on P. subha dated 25/1/07

VERSUS

Respondents:

1. State of Chhattisgrah, through Secretary, Department of Woman and Child Welfare, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
2. Collector, Kabirdham, Office situated at Kabirdham, District Kabirdham, Chhattisgarh.
3. The Chief Executive Officer, Jila Panchayat, District Kabirdham, Chhattisgarh.
4. District Woman and Child Development Officer, Kabirdham, Chhattisgarh.
5. Smt. Saroj Bai, wife of Shiv RAm Nagwansi, aged about 24 years, residence of village and Post Madmada, Block Bodla, District Kabirdham, Chhattisgarh.

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OATH COMMISSIONER KAWARDHA TAHSIL AREA

(38)

**HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**

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**Single Bench: Hon'ble Shri Satish K. Agnihotri, J.**

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**W. P. (S) No. 674 OF 2007**

Petitioner : Smt. Meena Bai

Versus

Respondents : State of Chhattisgarh & others.

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Shri Om P. Sahu, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the respondents No. 1, 2 and 4.

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## ORDER

**(Passed on 6th day of February, 2007)**

1. Learned counsel appearing for the petitioner submits that the petitioner was working as Aanganwadi Worker in village Madmada, Block - Bodla, District - Kabirdham. In her place, the respondent No. 5 has been appointed as Aanganwadi Worker which is illegal and improper.

2. The facts in nutshell are that initially the petitioner (Smt. Meena Bai ), who belongs to caste 'Mahar' i.e. Scheduled Caste and having passed 8th Class examination with 46.5%, was appointed as Anganbadi Worker in village Madmada, vide order dated 8.11.2006 (Annexure P/2). Feeling aggrieved, the respondent No. 5 (Smt. Saroj Bai) filed an objection before the Additional Collector, Kabirdham which was registered as Revenue Case No. 42-B-121 year 2006-07, wherein vide order dated 30.12.2006 (Annexure P/1), it was held that after enquiry it was found that both the candidates belong to Scheduled Caste, both are related to the family below the poverty line (BPL) and both have passed 8th class examination, but in the 8th class examination the respondent No.5

obtained 57% marks, which is higher then the marks obtained by the petitioner. In the result, the appointment of the petitioner was directed to be cancelled and it was directed to issue the appointment order in favour of the respondent No.5.

3. Learned counsel for the petitioner contended that the petitioner is more meritorious then the respondent No.5, as the petitioner is educated up to class 9th.

4. In the guidelines issued by the Women and Child Development Department, Government of Chhattisgarh vide memo No. 1855 dated 12.12.2005, in regard to the appointment of Anganbadi Workers and Anganbadi Assistants, clause 6 provides for priority to the candidates of clause 8th and in case 8th class pass women is not available only then the candidates having higher secondary qualification would be given appointment. Clause 6. of the memo reads as under:-

> "6. आंगनबाडी कार्यकर्ता के चयन के समय आठवीं उत्तीर्ण उम्मीदवार को प्राथमिकता दी जावे । आठवीं पास महिला उपलब्ध न होने पर ही हायर सेकेण्डरी को ही नियुक्ति दी जावे ।
> यदि एक से महिलाएं समान शैक्षणिक योग्यता रखती हो तो निम्न क्रम में प्राथमिकता दी जावे ।"

5. Having heard learned counsel for the petitioner and having gone through the records, it is clear that the candidates having more marks in class 8th examination certificate have been given preference to others even those who are having higher qualification. The petitioner is not in a position to point out any such infirmity in the order impugned which may call for interference from this Court exercising the extra ordinary jurisdiction under Article 226 of the Constitution of India.

6. The writ petition is accordingly dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

akur